IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 21528 of 1998

Between:

M.Mastan vali, S/o China Mastan, R/o Kurichedu, prakasam dist.

..... PETITIONER

AND

1 Government of AP, Rep by its Secretary, Transport, R&B Department, Secretariat, Hyderabad.
2 The Cheif Engineer, N.S.R.C., Guntur.
3 The Superintending Engineer, N.S.R.C O&M Circle, Ongole, Prakasam District.
4 The Executive engineer O&M Division N.S.P., Addanki, Prakasam District.
5 The Assistant Pay & Accounts Officer N.S.P., Ongole, Prakasam District.
6 The Director of Accounts Officer, N.S.Project, Hill colony, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the G.O.Ms.No.6, transport, R&B Dept., dt.12-1-96 as illegal, arbitrary, irrational and consequently direct the respondents to restore the earlier procedure for recovering the seignior- age charges from the bills of the contractors by the R&B Dept. in accordance with G.O.Ms.No.205, Tr&B dt.8-10-93.

Counsel for the Petitioner:MR.RAVI SHANKAR JANDHYALA

Counsel for the Respondents : SPL GP FOR TAXES

The Court made the following :

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ORDER:

This writ petition is filed seeking to declare the G.O. Ms.No.6 Transport, Roads & Buildings Departments, dated 12-01-1996 as illegal, arbitrary and irrational and consequently to direct the respondents to restore the earlier procedure for recovering the seigniorage charges from the bills of the contractors by the R & B Department in accordance with G.O.Ms. No.205 Tr & B, dated 08-10-1993.

It is submitted by the learned Special Government pleader for Taxes and admitted to by the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by the common order passed by this Court in W.P. No.7456 of 1997 and batch, dated
07-10-1998.

In the circumstances, following the common order of this Court in W.P. No.7456 of 1997 and batch, dated 07-10-1998, this writ petition is dismissed for the same and similar reasons. No costs.

However, it is made clear that the conditions stipulated in G.O. Ms. No.6, dated 12-01-1996 are applicable only in respect of the contracts for which the agreements are executed on or after 12-01-1996, and the works covered prior to that date shall be processed under G.O. Ms. No.205, dated 08-10-1993. If the petitioner had already drawn his bills pending payment of seigniorage fee, he shall now pay the same within a period of eight weeks from today, if not already paid. If the petitioner failed to comply with the condition, he shall also pay the penalty of five times, if the agreements are concluded and civil works carried out beyond 12-01-1996, within a period of six weeks from today.

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N.V. RAMANA, J

Date: 23-02-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Transport, R & B Department, Government of AP, Secretariat,

Hyderabad.
2 The Cheif Engineer, N.S.R.C., Guntur.
3 The Superintending Engineer, N.S.R.C O&M Circle, Ongole, Prakasam District.
4 The Executive engineer O&M Division N.S.P., Addanki, Prakasam District.
5 The Assistant Pay & Accounts Officer N.S.P., Ongole, Prakasam District.
6 The Director of Accounts Officer, N.S.Project, Hill colony, Nalgonda District.

7 Two C.Cs. to the Special G.P. for Taxes, High Court Buildings, Hyderabad

(OUT)

8 Two CD copies.

*Form-NIC-OGS/WP{**TSSB**}*